

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2209355
Decision Date:	3/29/2023	Hearing Date:	03/22/2023
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Father

Appearance for MassHealth:
Dr. Harold Kaplan, DMD



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Orthodontics
Decision Date:	3/29/2023	Hearing Date:	03/22/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Father
Hearing Location:	Remote		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated November 27, 2022, MassHealth denied Appellant's request for prior authorization of comprehensive orthodontic treatment (130 CMR 420.431 and Exhibit 1). Appellant filed this appeal in a timely manner on December 19, 2022 (130 CMR 610.015; Exhibit 2). Denial of a request for prior authorization is a valid ground for appeal (130 CMR 610.032). A hearing was scheduled for January 25, 2023, and at the appointed time Appellant did not appear. On January 30, 2023, the Board of Hearings dismissed the appeal (Exhibit 2A). On February 5, 2023, Appellant requested in writing that the Board of Hearings vacate the dismissal stating that he was unaware of the hearing date and did not receive notice (Exhibit 2A). A hearing subject to good cause was rescheduled for March 22, 2023 at which Appellant appeared (Exhibit 3).

Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in denying Appellant's prior authorization request for comprehensive orthodontic services.

Summary of Evidence

MassHealth was represented at hearing by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, which is the MassHealth dental contractor. Dr. Kaplan testified that he is a licensed orthodontist with many years of clinical experience. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment. Dr. Kaplan noted that the request included X-rays and photographs. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 25 points (Exhibit 1, p. 9). Appellant's orthodontic provider scored a total of 15 points for 5 teeth erupting ectopically. Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, scoring no points for ectopic eruptions (Exhibit 1, p. 5). Dr. Kaplan testified that he carefully reviewed the photographs and X-rays and arrived at a HLD score of 18 points, with 3 teeth erupting ectopically for a total of 9 points. Dr. Kaplan testified that Appellant's canines have not come into place yet but will likely erupt out of alignment which will likely add points in the future. Dr. Kaplan testified that there are two bicuspid on each side of the mouth. Dr. Kaplan testified that the panoramic X-Ray shows that one bicuspid on the right side has not yet erupted; and the second bicuspid on the left side has not yet erupted, which accounts for his 6-point reduction for ectopic teeth (Exhibit 1, p. 14). Dr. Kaplan suggested submitting a prior authorization request with complete X-Rays and photographs after Appellant's bicuspid have erupted.

Appellant's father testified that he appealed to get an explanation of the discrepancy in the HLD scoring.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment that included a panoramic X-ray and photographs.
2. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 25 points.
3. Appellant's orthodontic provider's HLD Form records 15 points for 5 ectopically erupting teeth.
4. A DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, scoring no points for ectopic eruptions.
5. Dr. Kaplan scored 18 points, with 3 teeth erupting ectopically for a total of 9 points for ectopic eruptions.

6. X-Rays show one bicuspid on the right side has not yet erupted; and the second bicuspid on the left side has not yet erupted.

Analysis and Conclusions of Law

Regarding good cause for failure to appear at the previously scheduled hearing, Appellant's representative sufficiently demonstrated good cause (130 CMR 610.048(B), Exhibit 2A).

Regulation 130 CMR 420.431(C)(3) states in relevant part:

Comprehensive orthodontic care should commence when the first premolars and 1st permanent molars have erupted. It should only include the transitional dentition in cases with craniofacial anomalies such as cleft lip or cleft palate. Comprehensive treatment may commence with second deciduous molars present.

Appendix D of the *Dental Manual* is the "Handicapping Labio-Lingual Deviations Form" (HLD), which is described as a quantitative, objective method for measuring malocclusion. The HLD index provides a single score, based on a series of measurements that represent the degree to which a case deviates from normal alignment and occlusion. MassHealth has determined that a score of 22 or higher signifies a handicapping malocclusion. Appellant's orthodontic provider indicated an overall HLD score of 25, and attributed 15 points to 5 ectopic eruptions. A DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, scoring no points for ectopic eruptions. Dr. Kaplan, a licensed orthodontist with many years of clinical experience, testified that X-Rays show one bicuspid on the right side has not yet erupted; and the second bicuspid on the left side has not yet erupted which accounted for his reduction in the number of ectopic teeth to 3 teeth, and the reduction of 6 points in this category. Because Dr. Kaplan pointed to X-ray evidence in the hearing record to support his testimony, I find his testimony is credible, and conclude that Appellant's HLD score is below 22 points at this time.¹ For the reasons above the appeal must be denied; however, the MassHealth agency pays for a pre-orthodontic treatment examination for members younger than 21 years of age, once per six (6) months per member, and only for the purpose of determining whether orthodontic treatment is medically necessary and can be initiated before the member's twenty-first birthday (130 CMR 420.421(C)(1)). Thus, Appellant can be reevaluated for comprehensive orthodontics, and submit a new prior authorization request 6 months after the last evaluation.

Order for MassHealth

None.

¹ See Panoramic X-Ray at Exhibit 1, p. 14, Exhibit 2, p. 18, and photographs at Exhibit 2, p. 20.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest